

City Council Agenda

Council President
Lee Brand

Councilmembers

Oliver L. Baines III
Andreas Borgeas
Clinton J. Olivier - Acting President

Sal Quintero
Larry Westerlund
Blong Xiong

City Manager
Mark Scott

City Clerk
Rebecca E. Klisch, CMC

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

January 13, 2011

8:30 A.M. ROLL CALL

Invocation by Elaine Rucker of Soka Gakkai International – USA

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Proclamation to Honor the Memory of General Vang Pao - Mayor's Office and All Councilmembers – **Read and presented**

Presentation of the SPCA Pet of the Month – Councilmember Quintero - **Presented**

The agenda and related staff reports are available on (www.fresno.gov) as well as in the office of the City Clerk. The Council meeting can also be heard live at the same web site address, or viewed live on Cable Channel 96 and re-played beginning at 8:00 p.m.

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of January 6, 2011

Action Taken: Approved, as amended

Councilmember Reports and Comments

Action Taken: Made

Approve Agenda

Action Taken: Approved

Adopt Consent Calendar

Action Taken: Adopted

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time permits.

- A. Authorize the Chief of Police to enter into an agreement with the Economic Development Corporation of Fresno County for the Weed and Seed Central Fresno grant program and accept the award of \$41,750 for the third year – Police Department
Action Taken: Authorized
- B. Authorize the amendment of an agreement between the City of Fresno Housing Authority (HUD) and the Police Department to replace a Senior Community Services Officer position with a sworn officer for period beginning December 27, 2010 through June 30, 2011 – Police Department
Action Taken: Authorized
 - 1. * **RESOLUTION** – 61st amendment to the Annual Appropriation Resolution (AAR) No. 2010-138 appropriating \$26,500 for the HUD Capital Funding Grant Program (***Requires 5 affirmative votes***)
Action Taken: Resolution No. 2011-1 adopted
- C. **RESOLUTION** - Dedicating certain City-owned property for public street purposes at Pump Station No. 364 located on the east side of N. Garfield Avenue south of W. Barstow Avenue (***Property located in District 2***) – Public Works Department
Action Taken: Resolution No. 2011-2 adopted
- D. Adopt Finding of a Categorical Exemption, pursuant to CEQA Guidelines Section 15301(f) for construction of the First and Dakota traffic signal modifications – Public Works Department
Action Taken: Adopted
 - 1. Award a contract in the amount of \$252,075 to MADCO Electric, Inc. for construction of the First and Dakota traffic signal modifications (***Property located in Districts 4 and 7***)
Action Taken: Awarded
- E. Award a contract in the amount of \$76,500 to David Knott, Inc. of Fresno CA for demolition of three (3) structures for Peach Avenue widening (***Property located in Districts 5 and 7***) – Public Works Dept.
Action Taken: Awarded
- F. Approve a consultant service agreement in the amount of \$87,488 with AECOM Technical Service, Inc., a California Corporation, for professional engineering services to design Fresno Street and College Avenue sewer rehabilitation (***Property located in Districts 4 and 7***) – Dept. of Public Utilities
Action Taken: Approved

1. **CONSENT CALENDAR CONTINUED**

- G. Adopt a Finding of Categorical Exemption pursuant to Article 19, Sections 15301 Class 1 (Existing Facilities), 15307 Class 7 (Protection of Natural Resources), and 15330 Class 30 (Mitigation of Hazardous Substances) of the California Environmental Quality Act Guidelines for environmental clean-up at and in the vicinity of Fresno Yosemite International Airport related to military operations at then named Hammer Field – Airports Dept.

Action Taken: Adopted

1. Authorize Amendment No. 1 for professional engineering and related environmental support services with ERM Remediation & Construction Management West, Inc. to provide on-going professional engineering, environmental and remedial actions concerning ground water contamination emanating from Fresno Yosemite International Airport not to exceed \$366,999.

Action Taken: Authorized

- H. Documents pertaining to the City of Fresno retirement systems' tax deferred status – Retirement Offices

1. **BILL – (For introduction)** - Amending various retirement sections of the Fresno Municipal Code to enhance compliance with the Internal Revenue Code by the Fire and Police Retirement System to maintain the retirement system's tax deferred status

Action Taken: Bill No. B-1 introduced/laid over

2. **BILL – (For introduction)** - Amending various retirement sections of the Fresno Municipal Code to enhance compliance with the Internal Revenue Code by the Employees Retirement System to maintain the retirement system's tax deferred status

Action Taken: Bill No. B-2 introduced/laid over

CONTESTED CONSENT CALENDAR

9:15 A.M. #1 **GENERAL ADMINISTRATION**

- A. * **RESOLUTION** - 59th amendment to the Annual Appropriation Resolution (AAR) No. 2010-138 appropriating \$5,111,600 for operating programs and the completion of previously approved capital projects in the Public Works Department (**Requires 5 affirmative votes**) – Public Works Dept.

Action Taken: Resolution No. 2011-3 adopted

9:15 A.M. #2 **CITY COUNCIL**

- A. Presentation of updates by the Central California Society for the Prevention of Cruelty of Animals (CCSPCA) – Council President Brand - **Presentation made**

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 10:00 A.M.#1 **HEARING** to consider Plan Amendment Application No. A-10-09, Rezone Application No. R-10-07, and environmental findings, filed by Dirk Poeschel Land Development Services, Inc., on behalf of Wilson Homes, pertaining to an approximately 11.23 acre portion of property located on the north side of West Herndon Avenue between North Valentine and North Marks Avenues. (**Property located in District 2**) – Development and Resource Management Department (**Continue to 2/10/11 @ 10:15 a.m.**)

Action Taken: Continued as noted

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:00 A.M.#2 HEARING - To approve the formation of a City-wide Energy and Water Efficiency Contractual Assessment District - Development and Resource Management Department

Action Taken: Held

- a. **RESOLUTION** - Approving the formation of an Energy and Water Efficiency Contractual Assessment District and adoption of and participation in the Pacific Housing & Finance Agency's California Property Assessed Clean Energy (California PACE) Program and confirming the related report pursuant to Chapter 29 of Part 3 of Division 7 of the California Streets and Highways Code and the boundaries of the assessment district and the levy of contractual assessments and authorizing execution of documents and certain other actions in connection therewith – Development and Resource Management Dept.

Action Taken: Resolution No. 2011-4 adopted

10:30 A.M. HEARING to consider designation of the Firestone Sales and Service Center Building located at 1502 Fulton Street (**Council District 3**) and the Fresno Unified School District Maintenance and Warehouse Building located at 717 S. Seventh Street (**Council District 5**) to the Local Register of Historic Resources - Development and Resource Management Department

Action Taken: Held

- a. * **RESOLUTION** - Not Designating the Firestone Sales and Service Center building located at 1502 Fulton Street to the Local Register of Historic Resources (**Property located in District 3**)

Action Taken: Resolution No. 2011-5 adopted

- b. * **RESOLUTION** - Not Designating the Fresno Unified School District (FUSD) Maintenance and Warehouse Building located at 717 S. Seventh Street to the Local Register of Historic Resources. (**Property located in District 5**)

Action Taken: Resolution No. 2011-6 adopted

CLOSED SESSION

SCHEDULED COMMUNICATION –

UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

SCHEDULED COUNCIL HEARINGS AND MATTERS

Jan.	27 -	8:30 A.M.	Presentation of Employee of the Quarter Ceremony – Reception immediately following – 2 nd floor foyer
Jan.	27 -	10:00 A.M.	HEARING re: Plan Amendment No. A-10-08, filed Dirk Poeschel Land Development
Jan.	27 -	3:00 P.M.	PUBLIC PROTEST CONTINUED HEARING and approval of items related to the granting of franchises to Mid-Valley Disposal and Allied Waste – Dept. of Public Utilities
Feb.	3 -	10:00 A.M.	Hearing to consider designation of the Crest Theater located at 1160 Broadway Plaza (Council District 3) and the Alfred and Minnie Cherin Home located at 233 E. Cornell Avenue (Council District 1) to the Local Register of Historic Resources
Feb.	10 -	10:00 A.M.	HEARING re: reversion of acreage of Final Map of Tract 4983 – Public Works Dept.
Feb.	10 -	10:15 A.M.	CONTINUED HEARING re: Plan Amendment No. A-10-09, Rezone Application No. R-10-07, filed by Dirk Poeschel Land Development Services
Mar.	3 -	10:00 A.M.	HEARING re: CFD No. 11, Annexation No. 37, Tract No. 5498 (<i>Property located in District 5</i>)
Mar.	10 -		MEETING
Mar.	17 -		MEETING
Mar.	31 -	10:00 A.M.	HEARING ordering the vacation of a portion of the north side of E. Mildreda Avenue between N. Van Ness Avenue and the Van Ness-College Alley (<i>Property located in District 3</i>)